

FILED

UNITED STATES COURT OF APPEALS

JUN 28 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

EDMOND WADE GREEN,

Petitioner,

v.

BRIAN E. WILLIAMS, Sr.,

Respondent.

No. 11-71255

USDC: 3:11-cv-00455

ORDER

Before: CANBY, GOULD, and TALLMAN, Circuit Judges.

The application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court is denied as unnecessary. *See Slack v. McDaniel*, 529 U.S. 473, 486-87 (2000) (a federal habeas petition filed after an earlier petition has been dismissed for failure to exhaust state remedies is not a second or successive petition).

The Clerk shall transfer this petition to the United States District Court for District of Nevada for filing as an original habeas petition. The district court shall file the petition as of May 3, 2011, the date the petition was filed in this court.

Upon transfer of the petition, the Clerk shall close this case.

**TRANSFERRED.**

KS/MOATT